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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/378,514 08/20/99 MYRICK

C 70-99-002

EXAMINER

TM02/0802

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ELECTRONIC DATA SYSTEMS CORP  
5400 LEGACY DRIVE  
H3 3A 05  
PLANO TX 75024

COSIMAND, F

ART UNIT

PAPER NUMBER

2161

DATE MAILED:

08/02/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

19

**Office Action Summary**

Application No.

09/378,514

Applicant(s)

MYRICK et al

Examiner

Edward R. Cosimano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) None is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1,3,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 2 and 4-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

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1. Applicant should note the changes to patent practice and procedure effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997.

2. The drawings are objected to because:

A) the following errors have been noted in the drawings:

(1) figs. 4 & 5 use reference number 40 twice to designate the overall drawing and the upper most plan, which is forbidden by 37 CFR § 1.84(p(4)), note pages 19-23. Note also fig. 40.

(2) as disclosed in the paragraph beginning at page 20, line 9, fig. 4 lacks reference number 41. Note also fig. 40.

(3) as disclosed in the paragraph beginning at page 22, line 15, fig. 5 lacks reference number 41. Note also fig. 40.

(4) as disclosed at pages 9, 10 & 35, figs. 1, 2 & 10 use reference number 1000 to designate different features of the invention, which is forbidden by 37 CFR § 1.84(p(4)).

(5) fig. 12 does not depict what is disclosed at page 36-41, since reference numbers as shown in this figure do not correspond with the features of the invention associated with these numbers by the description.

(6) as disclosed in the second paragraph on page 43, "In FIGURE 15, ... refund/return." And in particular at page 43, lines 22-24, "Customer data ... profile 1358.", fig. 15 lacks customer intelligence process 1503.

(7) as disclosed between pages 50, line 6, and page 51, line 12, "In FIGURE 20, ... data mining 2010 applications." in figs. 20 & 21 reference numbers 2022 & 2024 are inconsistently used to designate the features of the invention since when compared to fig. 20, these number have been switched around in fig. 21. Note also page 55 in regard to fig. 24B and page 70 in regard to fig. 37.

(8) figs. 20 & 21 use reference number 2014 twice to designate the features of the invention since in fig. 20, this number designates a box labeled "REPLICATE" whereas in fig. 21 this number designates a box entitled

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“OLAP APPLICATION”, note between page 50, line 6, and page 51, line 12, “In FIGURE 20, ... data mining 2010 applications.” which describes figs. 20 & 21.

(9) as disclosed between page 67, line 12 and page 68, line 20, “Based on the ... technological components.”, and in particular at page 67, lines 16-20, “Subsequently, ... in FIGURE 34.” fig. 34, lacks reference number 3400.

(10) as disclosed at page 69, lines 3-23, “In FIGURE 35, ... web server management 3560.”, and in particular at page 69, lines 12-17, “Element management, ... 3540 functions.” fig. 35, lacks reference number 3532.

Correction is required.

2.1 Applicant is required to submit a proposed drawing correction in response to this Office action (37 CFR § 1.121(a)(3)(ii)). However, correction of the noted defect can be deferred until the application is allowed by the examiner.

3. The disclosure is objected to because of the following informalities:

A) the specification lacks an explicit reference to the nature of:

(1) reference legend(s):

(a) 2014 of fig. 20 & 21, in the paragraph at page 50, lines 6-21;

and

(a) 2014 of fig. 20, in the paragraph at page 51, lines 3-12;

as required by 37 CFR § 1.84(p(5)) and 37 CFR § 1.121(a)(5). It is noted that merely mentioning a number with out mentioning the device or operation of the step relies on the drawing to provide support for the disclosure and not to aid in the understanding of the invention, as is the purpose of the drawings (37 CFR § 1.81(a,b)).

B) the following errors have been noted in the specification:

(1) the description of figs. 1, 2 & 10 at pages 9, 10 & 35 uses reference number 1000 to designate different features of the invention, which is forbidden by 37 CFR § 1.84(p(4)).

(2) pages 79-80 & 90-99 contains illustrations which are forbidden by 37 CFR § 1.58(a).

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(3) applicant's use of non-standard characters in the description of "Kind of, Type of" on page 98 is confusing.

Appropriate correction is required.

4. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)) & § 1.121(a)(1)-1.121(a)(6).

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5.1 Claims 1, 3, 10 & 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carey et al (6,134,706) in view of Gryphon et al (6,233,537) and further in view of Hurwitz et al.

5.1.1 In regard to claims 1, 3, 10 & 11, Carey et al ('706) discloses the modeling the flow of information within a business that includes a multi-level organizational structure. In order to perform this modeling, Carey et al ('706) requires that:

A) the various entities within the business be separately identified and modeled individually;

B) how information flows between the entities be identified; and

C) the structure of the business, i.e. how the entities interrelate to one another, be identified.

From this information, the business can be modeled, the flow of information within the business can be modeled; and the business' use of information technology can be modeled.

Further, from an analysis of this model, the various entities within the business are enabled so as to tailor information for itself and the information to be shared with the other entities within the business.

5.1.2 Carey et al ('706) does not implement a common language in order to articulate the organization structure of the business, however in the environment of modeling organizational structure of business, Gryphon et al ('537) discloses the use of a set of defined pictograms as a common language for modeling business structure, i.e. business entities and information flow. By using a common set of pictograms, the task of analyzing the business is simplified.

5.1.3 Since the use of different representations for the same function/operation/flow in the system of Carey et al ('706) would complicate the analysis required in the system of Carey et al ('706), it would have been obvious to one of ordinary skill at the time the invention was made that the modeling system of Carey et al ('706) could be modified to use a common language as taught by Gryphon et al ('537) so as to simplify the task analyzing the business structure in Carey et al ('706).

5.1.4 The system of Carey et al ('706) as modified by Gryphon et al ('537) does not plan the deployment/implementation of the information technology according to the overall architecture, however, in the environment of modeling business Hurwitz et al discloses that a business must use a business model that allows for adapting to change and the best way to implement the information technology needs of the business and its customers. Hence, it would have been obvious to one of ordinary skill at the time the invention was made that the modeling system of Carey et al ('706) as modified by Gryphon et al ('537) could further be modified to include the planning of the implementation of the information technology needs of the business as defined by the business model as taught by Hurwitz et al.

6. The following is an Examiner's Statement of Reasons for Allowance:

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A) the prior art, for example, either Carey et al (6,134,706) or Gryphon et al (6,233,537) or Hurwitz et al disclose modeling a the structure of a business using a common language so as to provide an implementation of the information technology needs of the business.

B) however, in regard to claim 2, the prior art does not teach or suggest the modeling of a business that includes using an overall architecture, where the overall architecture includes a strategic plan, business architecture, information architecture, application architecture, technology infrastructure and enterprise IT management framework. Claims 4-9 are allowable for the same reason.

C) however, in regard to claim 12, the prior art does not teach or suggest the modeling of a business that includes using an overall architecture, where the overall architecture includes:

(1) a strategic plan that defines the operation, functions, processes, systems and organization of the business;

(2) a business architecture that defines how the business currently accomplishes the business tasks and requirements and plans in the future to accomplish business tasks and requirements;

(3) an information architecture that defined the information to be delivered to various individuals in the business;

(4) an application architecture that supports various business processes and information flow in the business;

(5) a technology infrastructure that defines the how activities are executed and defines the information technology required to enable the access to information; and

(6) an enterprise IT management framework that defines the organization, management, services, products, systems and networks used to provide information.

6.1 Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the

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Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. The examiner has cited prior art of interest, for example:

A) either Harhen (5,406,477) of Kitani et al (JP 09-319796) which disclose the modeling of business enterprises.

B) the Business Wire article which discloses the need for business to adapt in real time to changes in business operations/functions.

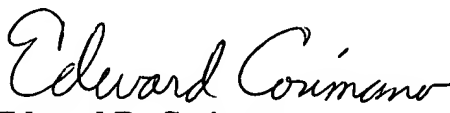
8. Claims 2-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)-305-9768. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

10.1 The fax phone number for UNOFFICIAL FAXES or for OFFICIAL FAXES for this group is either (703) 308-6165 or (703) 308-6296 or (703) 308-6306 or (703) 308-6606 or (703) 308-9051 or (703) 308-9052.

07/28/01

  
Edward R. Cosimano  
Primary Examiner A.U. 2161